



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/825,067
Applicant : Kelly G. AMMANN
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DECLARATION UNDER 37 C.F.R. §1.132 OF KELLY G. AMMANN

MS -

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I, Kelly G. Ammann, hereby declare as follows:

1. I am the sole inventor in the above-captioned patent application.
2. I am informed that the U.S. Patent Office has rejected certain claims of this patent application on the basis of U.S. Patent 6,086,827 to Homer, et al., U.S. Patent 6,517,783 to Homer, et al., and U.S. Patent 6,517,782 to Homer, et al. (hereafter "the Homer patents").
3. I have reviewed the Homer patents and note that each describes a reaction receptacle transfer mechanism. The transfer mechanism is identified by reference number 20 and is shown in Figures 9 and 10 and described in the specifications of the Homer patents.
4. On information and belief, the transfer mechanism described in the Homer patents is not claimed in any of the Homer patents.
5. The transfer mechanism described in the Homer patents was derived by me, and none of the inventors identified in the Homer patents contributed to the invention of the transfer mechanism.

DECLARATION UNDER 37 C.F.R. §1.68

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. §1001) and may jeopardize the validity of this application or any patent issuing thereon.

12/30/2003
Date

Kelly G. Ammann
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